

NEWPORT BEACH PLANNING COMMISSION MINUTES
Council Chambers – 3300 Newport Boulevard
Thursday, February 9, 2012
REGULAR MEETING
6:30 p.m.

A. CALL TO ORDER – The meeting was called to order at 6:30 p.m.

B. PLEDGE OF ALLEGIANCE – Led by Vice Chair Hillgren

C. ROLL CALL

PRESENT: Ameri, Hillgren, Myers, Toerge, and Tucker

ABSENT: Kramer

Staff Present: Kimberly Brandt, Community Development Director; Brenda Wisneski, Deputy Community Development Director; and Leonie Mulvihill, Assistant City Attorney

D. PUBLIC COMMENTS

Chair Toerge invited comments from those in the audience who wished to address the Commission on other than Agenda items.

Jim Mosher referenced a recent Harbor Commission meeting regarding Explore Ocean Redevelopment at the Balboa Fun Zone. He expressed concerns regarding existing restrictions regarding building over water and design guidelines. He suggested staff encourage Members of the Harbor Commission to develop a proposal that would be in character with the City of Newport Beach. In addition, he expressed concerns with the schedule of the Banning Ranch Development hearings and asked regarding the number of evening hearings planned. He opined it would be helpful to know what the next steps will be regarding the issue.

There being no one else wishing to address the Commission, Chair Toerge closed the public comments section of the meeting.

E. REQUEST FOR CONTINUANCES – None.

F. CONSENT ITEMS

ITEM NO. 1 Minutes of January 19, 2012, Study Session

Motion made by Vice Chair Hillgren and seconded by Secretary Ameri, and carried (5 – 0) with Commissioner Kramer absent, to approve the minutes of the January 19, 2012, Study Session as presented.

AYES: Ameri, Hillgren, Myers, Toerge, and Tucker

NOES: None.

ABSENT(EXCUSED): Kramer

ABSTENTION: None.

ITEM NO. 2 Minutes of January 19, 2012

Motion made by Commissioner Tucker and seconded by Vice Chair Hillgren, and carried (5 – 0) with Commissioner Kramer absent, to approve the minutes of January 19, 2012, as presented.

AYES: Ameri, Hillgren, Myers, Toerge, and Tucker

NOES: None.

ABSENT(EXCUSED): Kramer

ABSTENTION: None.

G. PUBLIC HEARING ITEMS**ITEM NO. 3** Weinberg Variance (PA2011-207)
138 Via Xanthe

Chair Toerge read the title to the aforementioned item, opened the public hearing and called for a report from staff.

Principal Planner James Campbell presented details of the report addressing the project site, location, size, side yard setback encroachments, addition, existing conditions, second floor addition, site plan, height limits, no direct window alignments, surrounding properties, and elevations. He noted that staff feels that there is no detriment to abutting properties since the encroachment is in a limited area. Mr. Campbell referenced changes to Conditions of Approval No. 4, elimination of Condition No. 5 and a correction to Condition No. 7.

Chair Toerge invited comments from the applicant on this item.

Paul Weinberg, applicant, reported submitting a larger project earlier but made modifications according to City staff suggestions. He opined that the scale and size of the project will fit well in the neighborhood. In response to an inquiry from Chair Toerge, Mr. Weinberg stated he had read the report and was in agreement with all Conditions of Approval as modified. He referenced a public easement and confirmed his agreement.

Principal Planner Campbell reported receiving correspondence regarding this item from one of the neighbors indicating support of the project.

Chair Toerge invited members of the public who wished to address the Commission on this item, to come forward.

Mary Pickens, neighbor, addressed previous modifications to the house and hoped it will not take away from the aesthetics of the home.

George Schroeder commented on the proposal and felt the new addition will be less bulky and less intrusive than most of the construction occurring in the area. He spoke in support of the project.

No one else wished to address the Commission on this item and Chair Toerge closed the public hearing.

Chair Toerge commented on the project and explained the benefits of the proposed structural elements and the need for a variance.

Discussion followed regarding no movement of the wall, setback requirements and possible issues with access for emergency vehicles.

Motion made by Commissioner Tucker and seconded by Vice Chair Hillgren, and carried (5 – 0) with Commissioner Kramer absent, to adopt a resolution approving Variance No. VA2011-010.

AYES: Ameri, Hillgren, Myers, Toerge, and Tucker
NOES: None.
ABSENT(EXCUSED): Kramer
ABSTENTION: None.

ITEM NO. 4 Beach Coin Laundromat Amendments (PA2011-209)
200 30th Street

Chair Toerge read the title to the aforementioned item, opened the public hearing, and called for a report from staff.

Assistant Planner Fern Nueno presented details of the proposed project and addressed existing conditions, adoption of the new Zoning Code in 2010 resulting in the required abatement of commercial uses in residential districts, and request from the applicant for a land use change in order to keep the existing Laundromat at that location. She addressed surrounding land uses, existing use and site conditions, the nonconforming structure, and recommendations. She noted that if approved, the item will go before City Council for review.

Chair Toerge invited the applicant to address the Commission on this item.

David Jones, Attorney for the applicant, reported that his client has had the business for over 50 years. In addition Mr. Jones stated that it is his client's primary source of income, and his client is a hands-on owner. He addressed his client's recent investment in the business including security cameras. Finally, he added that the business serves an important service to the community and is used by 300-400 people per week.

In response to an inquiry from Chair Toerge, Mr. Jones affirmed reading and indicated acceptance of the draft resolution.

Interested parties were invited to address the Commission on this item.

George Schroeder spoke in support of the project, noting that it provides a much needed service to the community. He noted that there are no other coin-operated Laundromats in the area.

Brenda Martin stated that she lives in the neighborhood near the Laundromat, that she polled other neighbors, and that they could not do without the Laundromat.

No one else wished to address the Commission on this item and Chair Toerge closed the public hearing.

Discussion followed regarding similar past issues, the vision for conversion to residential, minimizing nonconformities resulting from the new General Plan, the existence of a process for correcting impacts from the adoption of the General Plan, and the other uses that would be allowed if the amendments are approved. It was noted the project is not a variance, but amendments to the General Plan, Coastal Land Use Plan and Zoning Code.

Motion made by Vice Chair Hillgren and seconded by Commissioner Myers, and carried (5 – 0) with Commissioner Kramer absent, to adopt a resolution recommending City Council approval of General Plan Amendment No. GP2011-010, Local Coastal Plan Amendment No. LC2011-006, and Code Amendment No. CA2011-013.

AYES:	Ameri, Hillgren, Myers, Toerge, and Tucker
NOES:	None.
ABSENT(EXCUSED):	Kramer
ABSTENTION:	None.

ITEM NO. 5 Alternative Setback Determination (PA2012-001)
1702 Park Avenue

Chair Toerge read the title to the aforementioned item, opened the public hearing and called for a report from staff.

Assistant Planner Kay Sims referenced distribution of a memorandum clarifying the Floor Area Ratio (FAR) Analysis Table in the staff report and distribution of a copy of the complete site survey. She presented details of the report addressing location, original sub-division of the area, re-orientation of the subject and adjacent lots, setbacks, zoning code allowances, existing conditions, adjacent properties, required setbacks, applicant's requested setbacks, and recommended setbacks. In addition, she addressed buildable area and FAR upon application of the requested and recommended setbacks in comparison with and the FAR of typical lots in the area.

Interested parties were invited to address the Commission on this item.

Bill Guidero addressed the Commission representing the applicant. He indicated how he determined the setbacks and addressed previous similar projects and consistency with FAR's.

George Schroeder expressed concerns regarding the recommended rear-yard setback and spoke in support of the project request as proposed.

Bill Guidero noted the existing surrounding houses are encroaching in the rear setbacks as well.

Discussion followed regarding the setbacks on the existing structure.

No one else wished to address the Commission on this item and Chair Toerge closed the public hearing.

Discussion followed regarding the assignment of a five (5) foot rear setback rather than the three (3) rear setback requested. Assistant Planner Kay Sims stated that staff's recommendation of a five (5) foot rear setback was to achieve parity with the FARs of the majority (typical) of the lots within the subject block and also provide a more useable rear yard area on the site.

Discussion followed regarding developing a consistent approach other than dealing with these issues ad hoc.

Motion made by Vice Chair Hillgren and seconded by Commissioner Myers, and carried (5 – 0) with Commissioner Kramer absent, to approve Alternative Setback No. SA2012-001 to establish the following setbacks: Front (Along Park Avenue) – 6 feet, Sides – 3 feet and Rear (Opposite Park Avenue) – 3 feet.

AYES: Ameri, Hillgren, Myers, Toerge, and Tucker

NOES: None.

ABSENT(EXCUSED): Kramer

ABSTENTION: None.

H. NEW BUSINESS – None.

I. STAFF AND COMMISSIONER ITEMS

ITEM NO. 6 Community Development Director's report.

Community Development Director Kimberly Brandt advised the Commission that the City Council considered the two (2) applications for the Newport Beach Country Club where they approved the Planning Commission's recommendations with a modification regarding the Planned Community Text in terms of adding some language to the text regarding future minor modifications as to what can be approved at the staff level versus going to the Planning Commission. In addition, Council considered the appeal of the proposed lot merger on Ocean Boulevard and Council referred it back to the Planning Commission for further consideration and recommendation to Council. Ms. Brandt noted that staff will re-notice the item so that the public will be aware when the item will be heard by the Planning Commission.

ITEM NO. 7 Announcements on matters that Commission members would like placed on a future agenda for discussion, action, or report. – None.

ITEM NO. 8 Request for excused absences.

Vice Chair Hillgren requested an excused absence for the meeting of March 9, 2012.

Chair Toerge reported a good friend, Todd Schooler unexpectedly passed away this date. He listed his achievements and stated he served as an architectural advisor to the City's zoning committee. He noted he was an accomplished cyclist and spoke in his honor.

In addition, Chair Toerge reported on the passing of Dolores Otting who was active in the City and was the catalyst for the City's installation of the tsunami warning system.

There being no further business to come before the Planning Commission Chair Toerge adjourned the meeting in honor of Todd Schooler and Dolores Otting.

ADJOURNMENT – The meeting was adjourned at 7:33 p.m.